

1 DENNIS J. HERRERA, State Bar #139669
2 City Attorney
3 CHERYL ADAMS, State Bar #164194
4 Chief Trial Deputy
5 RENÉE E. ROSENBLIT, State Bar #304983
6 BRIGGS J. MATHESON, State Bar #291287
7 Deputy City Attorney
8 Fox Plaza
9 1390 Market Street, Sixth Floor
10 San Francisco, California 94102-5408
11 Telephone: (415) 554-3853 (Rosenblit)
12 Telephone: (415) 554-3919 (Matheson)
13 Facsimile: (415) 554-3837
14 E-Mail: renee.rosenblit@sfcityatty.org
15 E-Mail: briggs.matheson@sfcityatty.org

16 Attorneys for Defendants
17 MILTON BLISS, et al.

18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCANVINSKI JEROME HYMES,

Plaintiff,

vs.

MILTON BLISS, et al.

Defendants.

Case No. 16-cv-04288 JSC

**STIPULATED ADMINISTRATIVE MOTION
FOR ADDITIONAL TIME TO PRODUCE
DOCUMENTS**

Re: Dkt. No. 73

Trial Date: December 3, 2018

The parties submit this stipulated request for additional time for Defendants to produce certain documents identified in the Court's September 4, 2018 Order Granting in Part Motion to Compel (hereinafter "the Order"). (Dkt. No. 73). The parties base their request on the following:

1. On September 4, 2018, the Court ordered Defendants to produce, among other things, "any investigative/internal affairs documents relating to any Defendant's alleged use of force or dishonesty, . . . without regard to date . . . on or before September 18." (Dkt. No. 73).

///

///

1 2. That same day, counsel for Defendants contacted the San Francisco Sheriff's
 2 Department ("SFSD") to collect the documents identified in the Order. (Declaration of Briggs
 3 Matheson in Support of Stipulated Administrative Motion ("Matheson Decl.") ¶ 2).

4 3. Defense counsel has received the responsive documents described in paragraph no. 1
 5 dating back to five years before the incident at issue in this lawsuit—*i.e.*, to July 24, 2009. Defendants
 6 will produce those documents pursuant to the Order by September 18, 2018. (Matheson Decl. ¶ 3).

7 4. Defendants require additional time to collect, review, and produce the remaining
 8 responsive investigative/internal affairs files from the SFSD. (Matheson Decl. ¶ 4).

9 5. The parties' respective counsel met and conferred telephonically on September 11,
 10 2018, and agreed to stipulate to a two-week extension of Defendants' deadline to produce the
 11 remaining investigative/internal affairs documents, to **October 2, 2018**. (Matheson Decl. ¶ 5).

12 6. Defendants agree to produce the remaining responsive documents as expeditiously as
 13 possible and on a rolling basis. That is, Defendants will produce each remaining investigative/internal
 14 affairs file as soon as it is received and reviewed by defense counsel. In addition, Defendants will
 15 provide Plaintiff with a list on September 18, 2018 identifying the remaining investigative/internal
 16 affairs files to be produced, along with the following information for each file: (i) Defendant/deputy
 17 involved; (ii) date; (iii) file number; (iv) subject matter of investigation (e.g., excessive force).
 18 (Matheson Decl. ¶ 5).

19 7. The parties' request does not change the trial date. (Matheson Decl. ¶ 6).

20 For the reasons stated above, the parties stipulate as follows:

- 21 • Defendants shall produce by September 18, 2018, all "investigative/internal affairs
 22 documents relating to any Defendant's alleged use of force or dishonesty" dated back
 23 five years before July 24, 2014;
- 24 • The deadline for Defendants to produce all remaining investigative/internal affairs
 25 documents (without regard to time) shall be October 2, 2018;

26 ///

27 ///

28 ///

1 • Defendants shall produce to Plaintiff on September 18, 2018 a list of the remaining
2 investigative/internal affairs files to be produced by October 2, 2018, including the
3 information in paragraph 6 above.

4

5 **IT IS SO STIPULATED.**

6

7 Dated: September 12, 2018

8

9 DENNIS J. HERRERA
10 City Attorney
11 CHERYL ADAMS
12 Chief Trial Deputy
13 RENÉE E. ROSENBLIT
14 BRIGGS J. MATHESON
15 Deputy City Attorneys

16

17 By: /s/ Briggs J. Matheson
18 BRIGGS J. MATHESON

19

20 Attorneys for Defendants
21 MILTON BLISS, et al.

22 Dated: September 12, 2018

23 KATON LAW

24

25 By: /s/ Glenn Katon
26 GLENN KATON

27

28 Attorney for Plaintiff
29 SCANVINSKI JEROME HYMES

30 Dated: September 12, 2018

31

32 By: /s/ Caitlin Kelly Henry
33 CAITLIN KELLY HENRY

34

35 Attorney for Plaintiff
36 SCANVINSKI JEROME HYMES

DECLARATION OF BRIGGS MATHESON

I, Briggs J. Matheson, declare as follows:

1. I am a Deputy City Attorney in the Office of the San Francisco City Attorney, counsel of record for Defendants in the above-captioned action. I submit this declaration in support of the parties' Stipulated Administrative Motion for Additional Time to produce documents. I have personal knowledge of the contents of this declaration, except where indicated otherwise, and I could and would testify competently thereto if called upon to do so.

2. On September 4, 2018, following the hearing on the parties' Joint Discovery Letter (Dkt. No. 70), I contacted the San Francisco Sheriff's Department ("SFSD") legal department to collect all investigative/internal affairs files concerning any defendant's alleged use of force or dishonesty, without regard to time. On information and belief, SFSD personnel thereafter began to collect the responsive files for each defendant in this case.

3. Since September 4, 2018, defense counsel has received the responsive investigative/internal affairs files for each defendant dating back to five years before the incident at issue in this lawsuit, which took place on July 24, 2014. Defendants anticipate producing these documents by no later than September 18, 2018—the deadline set forth in the Court’s September 4, 2018 Order (Dkt. No. 73).

4. Defense counsel is informed by SFSD personnel that additional time is required to collect the remaining investigative/internal affairs files that predate July 24, 2009. Further, defense counsel will need time to review the remaining files and to process them for production. Defense counsel anticipates that they will be able to produce all of the remaining files by October 2, 2018.

5. On September 11, 2018, the parties' respective counsel met and conferred telephonically and agreed to stipulate to a two-week extension of Defendants' deadline to produce the remaining investigative/internal affairs documents, to October 2, 2018. Defendants further agreed during the meet-and-confer call to produce the remaining responsive documents on a rolling basis as they are received and reviewed by defense counsel. In addition, Defendants agreed to produce to Plaintiff on September 18, 2018 a list of the remaining internal affairs files to be produced by October

1 2, 2018, including (i) the name of the defendant/deputy involved, (ii) the date, (iii) the file number,
2 and (iv) the subject of the investigation (e.g., use of force).

3 6. The parties' stipulated request does not change the trial date.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is true
5 and correct and that this declaration was executed on September 12, 2018 at San Francisco, California.

6
7 /s/ Briggs J. Matheson
8 BRIGGS J. MATHESON
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **[PROPOSED] ORDER**

2 Based on the above stipulated motion and for good cause appearing, the Court ORDERS as
3 follows: (1) Defendants shall produce by September 18, 2018, all investigative/internal affairs
4 documents relating to any Defendant's alleged use of force or dishonesty dated back five years before
5 July 24, 2014; (2) the deadline for Defendants to produce all remaining investigative/internal affairs
6 documents shall be October 2, 2018; (3) Defendants shall produce to Plaintiff on September 18, 2018
7 a list of remaining investigative/internal affairs files to be produced by October 2, 2018, including the
8 defendant/deputy involved, the date, the file number, and the subject matter of the investigation

9 **IT IS SO ORDERED.**

10 Dated: September 13, 2018

11 
12 HONORABLE JACQUELINE SCOTT CORLEY
13 United States Magistrate Judge